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LS 6-0774a

10 May 1956

MEMORANDUM FOR: Director of Personnel

SUBJECT : Comments on Proposed R 20-560

1. The present draft strikes us as a clear and reasonably concise statement in a rather complex and difficult area. The suggestions which follow are directed only toward possible improvement of the clarity, and our concurrence would not necessarily be conditioned upon the acceptance of any of them.

2. There are two problems of word usage which it might be well to resolve. Paragraph 2b defines "overseas" to include territories and possessions. Since other regulations (in particular R 20-645 in those paragraphs dealing with "home leave") use "overseas" to apply only to foreign areas it would seem preferable to use a different word when we mean to embrace territories and possessions as well. We can not think of a suitable word, so we suggest as an alternative that it might be well to add to paragraph 2b a statement that "overseas" as used in this regulation has a different meaning than in Agency regulations generally. Lacking such clarification, we fear that persons reading this and the leave regulation together might reach improper conclusions as to their entitlements. The second semantic problem involves the use of the words "authorized" and "approved". As used generally in Government, both in statutes and regulations, their meaning is identical except for the time element - an act may be authorized before it takes place or approved afterwards. If we were to follow this practice in this regulation the following changes would be necessary: Paragraph 5b(2) - authorized; Paragraph 5b(3) - authorized.

3. Paragraph-keyed comments follow:

Paragraph 3c. We would suggest the phrase "otherwise provided" in place of "otherwise indicated." There should be a comma after the phrase "as amended."

Paragraph 4b. This paragraph might be shortened and clarified if the following language were used:

"The Chief, Cover Division, is responsible for informing Operating Officials concerning the specific overseas tour requirements of official and non-official cover organizations. He is also responsible for reviewing changes proposed in

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tours of duty overseas for individuals to ensure that they are consistent with cover requirements."

Paragraph 4c. The word "receipt" seems misplaced in this connection. We suggest the phrasing:

"Executing and retaining an overseas agreement between the Agency and each employee accepting an overseas assignment, relative to the period of the tour of duty overseas and qualification for travel and transportation at government expense."

Paragraph 5a. This paragraph, an extremely important one since it defines the standard tour, seems to require some clarification. If we correctly understand the policy intended, the following language might be applied:

"A standard tour of duty overseas (PCS) will consist of two years of continuous service from the date of arrival at the overseas post of duty, unless a shorter or longer period is required by cover. In no case will a tour of duty of less than one year be prescribed in advance unless required by cover or unless the Deputy Director concerned determines that a tour of less than one year would be more economical than a period of temporary duty overseas. (This authority of the Deputy Directors may not be redelegated.)"

Paragraph 5b(1)(a)(2). Since this paragraph is subordinated to another paragraph making it clear that the extension contemplated must be based upon operational necessity, could it not be shortened, with some gain in clarity, by omitting the examples. We suggest the phrasing:

"An employee's tour of duty overseas, as originally prescribed, be extended for a stipulated period. It will not be extended in excess of 90 days unless prior agreement of the individual has been obtained in writing."

Paragraph 5b(1)(c). In this paragraph the word "a" should be inserted before the phrase "tour of duty". The application of 5b(3) would be clarified if to this paragraph in lieu of the semicolon now at the end were added a comma and the phrase "for an immediate subsequent tour of duty overseas."

Paragraph 5b(2). In general Government parlance, as used in statutory and regulatory language, the word "authorized" is employed to denote approval in advance of an action. The word "finally" as used in this paragraph seems to add nothing and raises the question why it is not used in other cases where approvals, authorizations or determinations just as final are to be made. Since the exceptions covered by this paragraph are to be authorized in advance of the tour of duty they constitute the standard tour of duty as initially

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prescribed and the latter language also seems redundant. We suggest the following phrasing:

"Exceptions to a standard tour of duty may be authorized in advance of the tour by the Operating Official having jurisdiction over the area to which the individual is officially assigned, with the concurrence of the Head of the Career Service concerned."

Paragraph 5b(3). As noted above, the addition of the phrase "immediate subsequent tour of duty overseas" to paragraph 1c makes it clear that the authority granted here runs to both situations. Unless the suggested change is made, some other device must be sought to clarify that Operating Officials do have the authority to make the determination provided for in paragraph 1c. The word "approval" as used twice in this paragraph should be replaced by the word "authorization" for the reasons given immediately above. Since the question of reduction or termination of tours is covered in the next major subparagraph heading, and since the authority granted here applies only to extensions or initial prescriptions of tours, it is suggested that the word "change" in this paragraph be replaced by the word "extension." The opening sentence of this paragraph would then read:

"An individual's 'immediate subsequent tour of duty overseas' or an extension in the duration of his current tour of duty may be authorized by the Operating Official having jurisdiction over the area to which the employee is officially assigned, provided that the determination will be made after securing the concurrence of the Head of the employee's Career Service."

Paragraph 7c. As in an instance noted above, the word "receipt" does not seem to be the precise word wanted here. We suggest the phrase in which it appears be changed to read "including the requirements for qualification for travel and transportation at government expense."

Paragraph 7f(1). The opening words should read "The Operating Official to whom."

Paragraph 7f(2). Lawyers have a deep-seated antipathy to the use of "and/or." We suggest the use of the word "and" only in this case. If "and" is used, the authority of the Director of Personnel is clear and the "or"--i.e., the alternative choice--lies clearly within his administrative discretion.

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